

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 10, 2012

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Owens, Chair; Mike Cravens, Frank Penn, William Wilson (arrived at 2:05 PM), Will Berkley, Marie Copeland, Lynn Roche-Phillips, Patrick Brewer, Eunice Beatty and Carolyn Plumlee. Carla Blanton was absent.

Planning Staff Present – Chris King, Director; Bill Sallee; Tom Martin; Cheryl Gallt; Chris Taylor; Dave Jarman and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Captain Charles Bowen, Division of Fire and Emergency Services; and Rochelle Boland, Department of Law.

- II. **COMMISSION ITEM** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- A. **RESOLUTION FOR FORMER PLANNING COMMISSION MEMBER** – Chairman Owens stated that, at this time, the Commission and the staff would like to take an opportunity to honor Dr. Derek Paulsen for his service to the Planning Commission and the Lexington-Fayette County community. Dr. Paulsen joined Mr. Owens and the other Commission members at the podium, where Mr. Owens read the resolution of appreciation, a copy of which is filed with the minutes of this meeting. Mr. Owens thanked Dr. Paulsen for his years of service, and offered him the opportunity to speak, if he so chose.

Dr. Paulsen said that he truly appreciated this honor, and he is not sure which is a tougher job - being the Commissioner of Planning or sitting on the Planning Commission. He then said that he is now sitting in the back, while the Planning Commission is front and center on a lot of tough decisions. Dr. Paulsen said that knowing what the Commission deals with and having that experience has helped him. He thanked the Planning Commission for everything that they will continue to do, especially as the Comprehensive Plan moves forward.

- B. **WELCOMING NEW PLANNING COMMISSION MEMBER** – Chairman Owens stated that, at this time, the Commission and the staff would like to take an opportunity to welcome Carolyn Plumlee, who is the newest member of the Planning Commission, appointed to fill the vacancy left by Dr. Paulsen's resignation from the Commission.

- III. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 9-0 (Plumlee abstained; Blanton and Wilson absent) to approve the minutes of the April 12, 2012, Planning Commission meeting.

- IV. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

1. **PLAN 2003-209P: MASTERSON HILLS & MASTERSON STATION, UNIT 10 (6/2/12)*** - located at 2900-2918 and 3000 Spurr Road. (Council District 2) **(EA Partners)**

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2003-209P to the June 14, 2012, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Roche-Phillips and carried 9-0 (Blanton and Wilson absent) to postpone PLAN 2003-209P to the June 14, 2012, Planning Commission meeting.

- V. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 3, 2012, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Will Berkley, Marie Copeland, Mike Owens, Frank Penn and Carolyn Plumlee. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Dave Jarman and Denice Bullock, as well as Captain Charles Bowen, Division of Fire & Emergency Services and Rochelle Boland, Law Department. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

* - Denotes date by which Commission must either approve or disapprove plan.

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. **PLAN 2012-31F: ANGLIANA AVENUE – TRINITAS HOUSING PROJECT (AMD) (6/30/12)*** - located at 497 Angliana Avenue. (Council District 2) **(Endris Engineering)**

Note: The purpose of this amendment is to create 3 lots and new easements.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Verify lot dimensions with development plan dimensions.
 8. Complete site statistics (lot frontage).
 9. Remove deed tract line from plan.
 10. Denote release of access and utility easement along southern boundary.
 11. Denote timing of intersection improvements and information needed on plat.
2. **PLAN 2012-32F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-A, SEC. 1 (AMD) (6/30/12)*** - located at 651 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to increase and reconfigure the lots, realign the pedestrian trail, update the notes, identify future lots and revise the development standards.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike and Pedestrian's Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Exactions shall be to the approval of the Division of Planning.
10. Addition of bearings, calls and acreage for lot 62.
11. Clarify site statistics to account for all future lots proposed.
12. Complete owner's certification.
13. Denote flood protection elevations that apply to any lots.
14. Correct note #8.
15. Add standard note regarding silt control requirements.
16. Certification of Final Development Plan prior to plan certification.

* - Denotes date by which Commission must either approve or disapprove plan.

3. PLAN 2012-33F: LOCHMERE ESTATES (MAPLE RIDGE), UNIT 1-B, SEC. 1 (AMD) (6/30/12)* - located at 651 Chilesburg Road. (Council District 7) **(EA Partners)**

Note: The purpose of this amendment is to increase and reconfigure the lots, realign the pedestrian trail, update the notes, identify future lots and revise the development standards.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Bike and Pedestrian's Planner's approval of bike trails and pedestrian facilities.
 7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 8. Denote: This property shall be developed in accordance with the approved final development plan.
 9. Exactions shall be to the approval of the Division of Planning.
 10. Clarify site statistics to account for all future lots proposed.
 11. Addition of bearings, calls and acreage for lots 60 and 61.
 12. Clarify owner's certification.
 13. Correct note #8.
 14. Add standard note regarding silt control requirements.
 15. Certification of Final Development Plan prior to plan certification.
4. DP 2012-23: GEORGE WEST ESTATE PROP. (HOWARD PROP.) (AMD) (7/26/12)* - located at 4538, 4568 & 4578 Georgetown Road. (Council District 12) **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their April 26, 2012, meeting. The purpose of this amendment is to revise the building and parking configurations.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Health Department's approval of septic system prior to certification.
 9. Denote building heights.
 10. Remove pavement more than 50' from the B-3 zone per the Board of Adjustment's conditional use permit approval in 2005.
 11. Identify stormwater detention location for the development outside of the floodplain.
5. DP 2012-25: SCOTT STREET LOFTS (AMD) (6/30/12)* - located at 341 Scott Street. (Council District 3) **(EA Partners)**

Note: The purpose of this amendment is to revise the number residential units and the commercial floor area.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Addition of purpose of amendment note.
10. Addition of topographic information.
11. Clarify cross-sections.
12. Revise note #4.
13. Denote storm water detention location.
14. Denote number of bedrooms in site statistics.
15. Revise note #7 to the approval of the Division of Planning.
16. Indicate bike rack location.

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6. DP 2012-26: LAKEVIEW ESTATES, UNIT 2, BLK J (AMD) (6/30/12)* - located at 515 Laketower Drive.
(Council District 5) **(Barrett Partners)**

Note: The purpose of this amendment is to add four dwelling units and revise the parking layout.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Denote record plat designations.
 10. Denote construction access location.
 11. Correct note #7 to refer to the Division of Engineering Manuals.
 12. Resolve side yard setback on townhomes.
 13. Resolve building envelope and sidewalk conflict.
7. DP 2012-27: HOPE CENTER APARTMENTS (AMD) (6/30/12)* - located at 1518 Versailles Road.
(Council District 11) **(Carman & Associates)**

Note: The purpose of this amendment is to add an outdoor pavilion and an outdoor storage building.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Building Inspection's approval of landscaping and landscape buffers.
 3. Addressing Office's approval of street names and addresses.
 4. Urban Forester's approval of tree protection plan.
 5. Division of Waste Management's approval of refuse collection.
 6. Complete Commission's certification.
8. DP 2012-28: THE APIARY PROPERTY, LLC (6/30/12)* - located at 218 Jefferson Street.
(Council District 1) **(Wheat and Ladenburger)**

Note: This property requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Correct erosion control note to reference Article 16 of the Code of Ordinances.
 9. Document off-site parking agreement(s) prior to certification.
 10. Denote Article 18 compliance adjacent to R-3 property.
 11. Denote grease trap information necessary for new restaurant use.
 12. Identify existing/proposed use for "existing one-story block building."
 13. Denote timing of public art and "green" features relative to the adaptive reuse activities.
9. DP 2012-29: ELLERSLIE PLACE, LOT 2 (MIDLAND CROSSING) (AMD) (6/30/12)* - located at 225 Walton Avenue.
(Council District 3) **(Milestone Design)**

Note: The purpose of this amendment is to revise the proposed development.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan (10% canopy).
6. Department of Environmental Quality's approval of environmentally sensitive areas.

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7. Bike and Pedestrian Planner's approval of pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Correct plan title.
11. Clarify zoning information along Midland Avenue.
12. Verify ability to meet requirements of Art. 21-4(e) of the Zoning Ordinance.
13. Complete pedestrian access from Walton Avenue to the new development.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience to permit discussion. He noted that the staff had received the required affidavit for the posting of a sign for DP 2012-28: THE APIARY PROPERTY, LLC, and added that it appeared the sign was in order.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Beatty and carried 9-0 (Blanton and Wilson absent) to approve the items listed on the Consent Agenda.

- B. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Roche-Phillips, and carried 9-0 (Blanton and Wilson absent) to approve the release and call of bonds as detailed in the memorandum dated May 10, 2012, from Ron St. Clair, Division of Engineering.

- C. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce its decision at the outset of the hearing.

1. FINAL SUBDIVISION PLANS

- a. PLAN 2012-30F: RIVER PARK SUBDIVISION, UNIT 3-D, SEC. 2, LOT 1-A (AMD) (6/30/12)* - located at 3701 Trent Circle. (Council District 8) **(Yuriy Radyk)**

Note: The purpose of this amendment is to subdivide one lot into two lots and to reduce the building line to 10 feet along Trent Boulevard.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of adjacent property information (including dashed lines) (Art. 5-4(d)(1) of the Land Subdivision Regulations).
10. Identify all boundary line bearings to indicate degrees, minutes & seconds (Art. 5-4(d)(2) of the Land Subdivision Regulations).

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11. Correctly identify all easements (Art. 5-4(d)(4) of the Land Subdivision Regulations).
12. Identify location of permanent control monuments (Art. 6 of the Land Subdivision Regulations).
13. Correct owner's certification.
14. Addition of applicable engineering/surveyor's certification to the approval of the Division of Engineering.
15. Complete Urban County Engineer's certification.
16. Verify ability to comply with Art. 4-7(e)(4) of the Land Subdivision Regulations prior to certification (with engineer's contact information – name, address & phone #).
17. Delete note #4.
18. Correct notes #1 & 5.
19. Denote driveway location to the approval of the Division Traffic Engineering.
20. Discuss 20' building line setback on Trent Boulevard.

Staff Presentation – Ms. Gallt identified the amended final subdivision plan on the Agenda, and noted that this property is located at 3701 Trent Circle. She directed the Commission's attention a rendering of the latest submission, and she oriented the Commission to the subject property and to the nearby streets. She then said that the subject property is located at the corner of Trent Circle and Trent Boulevard. The purpose of this amendment is to subdivide one lot into two lots and to reduce the building line along Trent Boulevard.

Ms. Gallt directed the Commission's attention to the revised staff recommendation distributed to the Commission members, and said that since the Subdivision Committee meeting, the applicant had addressed many of the deficiencies and issues that were forwarded to the Planning Commission with the newest submission. She noted that conditions #1 through #7 are standard sign-off conditions from the different utilities and divisions of the LFUCG:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

Ms. Gallt then gave a brief explanation to conditions #8 through #12, noting that these are "cleanup" items:

8. Addition of adjacent property zoning information.
9. Identify all boundary line bearings to indicate degrees, minutes & seconds as per plat in Cab. D, SL 311 (Art. 5-4(d)(2) of the Land Subdivision Regulations).
10. Correctly identify all easements (Art. 5-4(d)(4) of the Land Subdivision Regulations).
11. Identify location of permanent control monuments (Art. 6 of the Land Subdivision Regulations).
12. Addition of applicable engineering/surveyor's certification to the approval of the Division of Engineering.

Ms. Gallt directed the Commission's attention to the remaining two items:

13. Denote driveway location to the approval of the Division Traffic Engineering.
14. Locate and label 19' building line setback on Trent Boulevard.

She noted that the Subdivision Committee had discussed these two conditions at length.

Ms. Gallt said that, with the addition of the new townhome, there was a concern as to whether or not the setback of the driveway could be located to minimize conflict. The staff was recommending that the applicant denote the location of the driveway access on the plan to alleviate any concerns with vehicles entering and exiting the property onto Trent Circle.

Ms. Gallt then said that the applicant had originally requested a 10-foot building line/setback on Trent Boulevard; however, after discussions among the Subdivision Committee and the staff, it was determined that a 20-foot setback was more appropriate for this location. Directing the Commission's attention to an exhibit shown on the overhead projector, she said that, since the Committee meeting, the applicant had submitted his latest revisions to the staff; and it was concluded that the building line could be reduced to 19 feet. She then said that even though the current plat requirements call for the building line to be 30 feet from the property line, the building may encroach the building line up to 5 feet, provided that the average remaining side street side yard behind the building line is greater than the area encroached upon by the building. The staff is requesting that the applicant locate and label the 19-foot building line setback on Trent Boulevard.

Ms. Gallt concluded by stating that the staff is recommending approval, subject to the conditions previously noted.

Commission Questions – Mr. Berkley asked about the setbacks for the nearby buildings. Ms. Gallt said that the setback depends on the zoning of the property. She then said that the townhome community directly across from the intersection of Trent Boulevard and Trent Circle has a setback of 10 feet; whereas, the remaining homes in the

area have a setback of 30 feet. The plan for the subject property was originally approved with a 30-foot setback, and the applicant was requesting a reduction from 30 feet to 10 feet in order to construct the new, additional townhome.

Mr. Berkley asked if the setback for the duplexes directly across from Trent Circle was 30 feet. In response, Ms. Galt directed the Commission's attention to an aerial photograph and said that according to the record plats, the lots in this area were platted with a 30-foot setback, with the exception of the townhome development, which was platted with a 10-foot setback. Mr. Berkley then asked if the Division of Traffic Engineering is in agreement with the revised plan, since the subject lot sits in a curve. Ms. Galt said that that issue was discussed at the Subdivision Committee meeting, and it was determined that the 20-foot setback would be appropriate. Mr. Berkley said that the staff has now decreased the setback to 19 feet. Mr. Sallee pointed out that the building location would not change, as shown on the exhibit rendering, as it also illustrates the sight triangles; only the platted building line would decrease by 1 foot over that reviewed at the Subdivision Committee meeting.

Ms. Roche-Phillips asked if the original design was submitted without the approval of an engineer or surveyor. Ms. Galt said that she is unaware of the applicant's experience, but this request was submitted to the staff with several certifications missing from the plan. Ms. Roche-Phillips said that she understands hiring a surveyor can be costly, but this is a final development plan request. Ms. Galt said that this is a final record plat, and the purpose of this amendment is to subdivide one lot into two lots. She then said that no public infrastructure improvements are being made, and the only thing needed at this time is a new sewer tap. Ms. Roche-Phillips said that the Commission needs to be absolutely confident of the location of the building line. Ms. Galt said that the applicant would need a surveyor to sign off on this plat prior to its certification. Ms. Roche-Phillips asked, should the metes or bounds change, if the applicant would present those changes to the Commission for approval. Ms. Galt replied negatively, and said that the applicant would just show those changes on their plan. She then said that the metes and bounds are shown on the plan, however, the numbers are incorrect. Ms. Roche-Phillips asked if this type of request is common, to which Ms. Galt replied that it was not. Ms. Roche-Phillips said that it concerns her when a request is presented to the Commission without the expertise of a land surveyor.

Representation – Yuriy Radyk, the applicant, and Matt Carter, Vision Engineering, were present. Mr. Radyk said that he is in agreement with the staff's recommendations, and requested that the Planning Commission approve the subdivision plat request.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Commission Questions – Ms. Copeland said that Lots 1A and 1B are built and share a common wall, and asked if the proposed lot would also share a common wall with Lot 1A. Mr. Radyk said that they are proposing to construct a single family townhome that would share a common wall with Lot 1A. Ms. Copeland then asked if the proposed townhome on Lot 1 would be for one family unit and not proposed as a duplex. Mr. Radyk replied that she was correct. Ms. Copeland said that there would only be one additional driveway, which Mr. Radyk confirmed.

Mr. Penn asked if the lots would be individually platted and sold. Mr. Radyk replied yes, and said that the lots are platted separately. Mr. Penn confirmed that there will be 3 separate lots. Mr. Radyk replied affirmatively. Mr. Penn asked if this proposal is a final development plan. Ms. Roche-Phillips said that it is a final subdivision plan, and asked if it's because of the one lot being subdivided. Ms. Galt replied affirmatively.

Mr. Berkley said that he is concerned with the sight triangle being obstructed and setting a precedent if this request is approved by the Commission. Mr. Carter directed the Commission's attention to the rendering on the overhead, and said that they are showing the required 15-foot sight triangle setback back from the center of the street to the curb line, as well as showing the proposed 34-foot setback from the center of the street to the edge of the building. He then said that the 34-foot setback allows vehicle stacking on Trent Circle, as well as enough sight view 300 feet back from the intersection to be unobstructed. Mr. Berkley asked if the sight triangle coming down Trent Boulevard would be impacted. Mr. Carter said that the same requirements apply to the other side of Trent Boulevard, and confirmed that the applicant is exceeding the minimum requirements.

Ms. Copeland asked if the proposed building materials would be the same as has been used on Lots 1A and 1B. Mr. Radyk said that their plan is to match the material on the existing buildings.

Action - A motion was made by Mr. Cravens, seconded by Ms. Copeland and carried 7-2 (Berkley and Penn opposed; Blanton and Wilson absent) to approve PLAN 2012-30F: RIVER PARK SUBDIVISION, UNIT 3-D, SEC. 2, LOT 1-A (AMD), subject to the revised conditions as listed by the staff.

Note: Mr. Wilson arrived at this time.

- b. PLAN 2012-17F: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, LOT 4 (AMD) (7/24/12)* - located at 2145 Sir Barton Way. (Council District 6) **(CLS Engineers)**

Note: This plan was approved by the Planning Commission at its April 12, 2012, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Verify ability to meet requirements of Article 4-7(e)(4) of the Land Subdivision Regulations.
8. Add easement dimensions per subdivision plat M/746.

Note: The applicant is now requesting a waiver to Article 4-7 of the Land Subdivision Regulations.

Waiver Report - Mr. Martin noted that this final subdivision plan was approved by the Planning Commission at their April 12, 2012, meeting, subject to the conditions listed on today's agenda. He directed the Commission's attention to a rendering of the plan and oriented them to the overall area, the Meijer development and the surrounding street system. He said that the Meijer property is located at 2145 Sir Barton Way, just off Man O' War Boulevard; and the purpose of this amendment is to create a final record plat for Lot 4, which is proposed for a Frisch's restaurant. He then indicated that Lot 4 is located at the corner of Paul Jones Way and Alysheba Way.

Mr. Martin directed the Commission's attention to the Staff Report and said that the applicant has requested a waiver to Article 4-7 of the Land Subdivision Regulations, which refers to need for substantial completion of public improvements. He then said that, if approved, this request would allow the construction of the sanitary sewer line to be done after the recording of Lot 4. He noted that the Land Subdivision Regulations require all utilities and sewer line improvements to be present when a lot is legally created and recorded. He said that this waiver would allow the property to be transferred and would allow the coordination of the construction of the sewer line with the development of the proposed Frisch's restaurant. He then said that the existing sewer line runs under Alysheba Way and terminates on the Meijer property in the parking lot. The sewer line will be 8" in diameter and will extend over 300 feet, at a depth of approximately 12 feet from the existing line to the lot. He said that this is an active parking lot, and the challenge is the installation of the sewer line, managing the traffic and so forth.

Mr. Martin said that the staff had reviewed the applicant's request, had spoken with the Division of Engineering, and it was determined that this request would be appropriate. He then said that the staff is recommending approval of the requested waiver, for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant by allowing the coordination of the sewer line extension and associated parking lot repairs with the construction of the restaurant.
2. Granting the waiver will not negatively impact public health and safety, as the completion of public sewer improvements for Lot 4 will be completed prior to the issuance of a Certificate of Occupancy.

Mr. Martin then said that this recommendation is made subject to the following additional requirement:

- a. Denote: No Certificate of Occupancy for Lot 4 shall be issued until the sewer line extension and manhole are constructed in compliance with the Engineering Manuals, and accepted by the Division of Engineering.

Commission Questions - Ms. Copeland asked if the Commission approves this waiver request, what would be the worst case scenario. Mr. Martin said that the applicant will be required to bond or post another financial surety in lieu of the construction. He said that for a worst case scenario, Lexington-Fayette County Government would collect that bond and construct the sewer line. Ms. Copeland then asked if the City would be liable. Mr. Martin replied negatively, and said that there is a certification on the record plat stating that the City's engineer has received a bond or surety. Ms. Copeland asked what happens if the site is developed in such a way that the approved sewer location is not in an appropriate location. Mr. Martin said that the applicant would need to amend the plan, showing the new location of the sewer line.

Mr. Penn asked if there could be more outlots created on Pink Pigeon Parkway. Mr. Martin said that there are existing outlots on Pink Pigeon Parkway. Mr. Penn then asked if there are any other lots near Lot 4. Mr. Martin replied negatively, and said that what is being proposed on the rendering is what would be built. Anything more would need to be first approved. Mr. Penn then asked, if more lots were created, if the same waiver would be requested. Mr. Martin replied not necessarily, and said that if a lot is created, it would need to be connected to the sanitary sewer; and, if necessary, the applicant could request a waiver. Mr. Penn asked if this type of request had been granted in the past. Mr. Martin replied affirmatively.

* - Denotes date by which Commission must either approve or disapprove plan.

Representation – Tony Barrett, Barrett Partners, was present representing the applicant. He said that their worst case scenario would be for Frisch's to own this lot and not be able to open a restaurant. He then said that his client is in agreement with the staff's recommendations, and requests approval.

Commission Question – Ms. Copeland asked what the impact would be on the adjacent lot. Mr. Barrett said that the Meijer store owns the entire lot, and the area that is being proposed for the sewer line connection is located in the Meijer parking lot. It's in the best interest of the Meijer store to allow Frisch's to construct the sewer line; otherwise, the sale of this property could not be finalized. Ms. Copeland then asked if this will prevent development on top of the sewer line. Mr. Barrett said that, at this time, that area is a parking lot and it will continue as a parking lot.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Mr. Brewer and carried 10-0 (Wilson abstained; Blanton absent) to approve the waiver to Article 4-7 of the Land Subdivision Regulations for PLAN 2012-17F: HAMBURG PLACE MALL, UNIT 1, PARCEL 2, LOT 4 (AMD), subject to the conditions as listed by the staff.

- c. PLAN 2012-35F: NEWTOWN SPRINGS, UNIT 2A, LOT 15 (AMD) (7/17/12)* – located at 1381 Silver Springs Drive. (Council District 1) **(Strand Associates)**

The purpose of this amendment is to create a 5-acre lot and a sanitary sewer easement.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Correct adjoining property Cabinet and Slide information (Unit 2-B).
8. Add deed book, cabinet and slide information for Palumbo Property tract.
9. Addition of number of street tree required for Lot 16 (per Cab. M, Sl. 976).
10. Addition of conditional zoning restrictions.
11. Certification of final development plan prior to plan certification.
12. Addition of Citation Boulevard temporary easement note.
13. Clarify or denote that Lot 16 is not subject to final development plan.
14. Review by the Technical Committee prior to certification.
15. Provided the Planning Commission grants a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.

Waiver Report - Mr. Martin noted that the Commission had previously approved the development plan for the assisted living center (Trilogy Health Campus #3) that is being proposed for this property. He said that, if this request is approved, it would create the 5 acres that is needed for that development to be constructed.

Mr. Martin directed the Commission's attention to a rendering of this plat, and oriented them to the location of the subject property and the nearby street system. He said that the subject property is located at 1381 Silver Springs Drive, just off Newtown Pike, and adjacent to Citation Boulevard and Asbury Lane. He then said that the extension and connection of Citation Boulevard and Asbury Lane will be built by the Lexington-Fayette Urban County Government.

Mr. Martin said that the Subdivision Committee reviewed this request and recommended approval of this plan, subject to the conditions listed on today's agenda. He then said that conditions #1 through #6 are standard sign-off conditions from the different divisions of the LFUCG. He briefly explained the remaining conditions, and noted that conditions #7 through #13 are "cleanup" conditions. He directed the Commission's attention to condition #14, and noted that the applicant had submitted this request as a "late item," and it was not on the Technical Committee agenda. However, the staff did give a brief presentation of this request to the Committee, but they did not take action on it. Thus, this plan will need to be presented to the Technical Committee prior to its certification.

Mr. Martin directed the Commission's attention to condition #15, and said that the applicant has requested a waiver to Article 4-7 of the Land Subdivision Regulations, which refers to substantial completion for public improvements. He said that there is an existing sewer line located at the rear of Lot 16, and the applicant will need to extend that connection approximately 178 feet to serve the proposed development. He then said that the applicant would like to coordinate that construction with the development of the proposed health care facility.

Mr. Martin said that the staff had reviewed the applicant's request, and had spoken with the Division of Engineering, and it was determined that this request is appropriate. He then said that the staff is recommending approval of the requested waiver, for the following reasons:

* - Denotes date by which Commission must either approve or disapprove plan.

1. The requested waiver would relieve an exceptional hardship for the applicant by allowing the coordination of the off-site sewer line extension with the construction of the other site improvements.
2. Granting the waiver will not negatively impact public health and safety, as the completion of public sewer improvements for Lot 15 will be completed prior to the issuance of a certificate of occupancy.

Mr. Martin then said that this recommendation is made subject to the following additional requirements:

- a. Denote: No Certificate of Occupancy for lot 15 shall be issued until the sewer line extension and manhole are constructed in compliance with Engineering Manuals, and accepted by the Division of Engineering

Representation – Sara Tuttle, Strand Associates, was present representing the applicant. She noted that the location of the existing sewer line is on a vacant lot; therefore, nothing will be disturbed except the soil. She said that since this request had been presented to the Technical Committee, she requested that condition #14 be deleted. That being said, Ms. Tuttle said that her client is in agreement with the staff's recommendations, and requests approval.

Commission Question – Ms. Copeland disagreed with Ms. Tuttle's request, and said that these new items need to be presented to the Technical Committee members. Mr. Penn concurred.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Copeland, seconded by Mr. Penn and carried 10-0 (Blanton absent) to approve PLAN 2012-35F: NEWTOWN SPRINGS, UNIT 2A, LOT 15 (AMD), subject to the conditions as listed by the staff, including granting the waiver to Article 4-7(d)(1) of the Land Subdivision Regulations. as presented by the staff.

- g. DP 2007-94: BEAUMONT FARM, UNIT 10 (B-6P AREA) (AMD.) (7/31/12)* - located at 3155-3199 Beaumont Centre Circle. (Council District 10) **(The Roberts Group)**

Note: This plan was approved by the Planning Commission at its August 9, 2007, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, sanitary and sewers and floodplain information.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections (left turn into property).
3. Building Inspection's approval of landscaping.
4. Urban Forester's approval of tree preservation plan.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Environmental Planner's approval of environmentally sensitive areas.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Solid Waste's approval of refuse collection.
9. Approval of street names and addresses per e911 staff.
10. Correct plan title.
11. Addition of developer's name and address.
12. Document compliance with Article 12-7(b) of the Zoning Ordinance.
13. Addition of metes and bounds description and bar scale.
14. Document compliance with off-street parking requirements.
15. Correct Planning Commission certification.
16. Clarify building coverage and gross floor area.
17. Resolve easement conflict on rear property line.
18. Denote compliance with adopted Big Box Guidelines.

In addition, the following conditions were made part of the Commission's approval after reviewing the associated Staff Report on compliance with the Big-Box Design Guidelines:

- a. Increase the screening for the loading docks and trash compactor from the adjacent residential area to the northwest.
- b. Provide additional screening along the interior access drive and the perimeter of the property from the Beaumont Centre Circle entrance to the proposed screening on Majestic Drive.
- c. Expand the "new thermoplastic white stripes on concrete" to a minimum of 100' along the front, centered on each entrance.
- d. Provided the Planning Commission grants a waiver of Guidelines #6 and #7. Staff recommends approval of this waiver with the additional screening provided along the rear property line resulting in a stronger landscape buffer over and above the existing condition.
- e. Revise the development plan to demonstrate compliance with Guideline #1 on the left side wall of the proposed building.
- f. Provide additional bike racks near the entrances to the Kroger Store.
- g. Locate the transit shelter to the approval of LexTran.

* - Denotes date by which Commission must either approve or disapprove plan.

Note: The applicant has now requested reapproval of this plan.

The Staff Recommended: **Reapproval**, subject to the previous conditions.

Staff Presentation – Mr. Taylor presented the amended development plan for the Beaumont Farm, Unit 10 (B-6P area). He said that this plan is for the existing Kroger, which is located at 3155-3199 Beaumont Centre Circle. He then said that this plan was previously approved by the Planning Commission at their August 9, 2007, meeting, as well as certified, subject to the conditions listed on today's agenda. In addition, the review of the associated Staff Report on the compliance of the Big-Box Design Guidelines was made part of the Commission's approval at that time.

Mr. Taylor said that, with the exception of the three buildings located toward Beaumont Centre Circle, the majority of this development has been built. He noted that permits have to be issued within 5 years of the Planning Commission's approval, and said that with this request that time has almost expired. This is why the applicant had submitted this request; and, if approved, this would allow 5 more years for the applicant to pull permits for the 3 remaining buildings.

Mr. Taylor said that the staff is recommending reapproval of this item, subject to the original conditions listed on today's agenda.

Commission Questions – Mr. Penn asked if conditions A through G of the Big-Box Design Guidelines were part of the original approval. Mr. Taylor replied affirmatively, and said that there are some elements of the Big-Box Design Guidelines that have not been completed. Should the Commission reapprove this request, those conditions would still apply. He then said that, to the staff's knowledge, the Big-Box Design Guidelines for the main store (Kroger) and the parking lot improvements have been met.

Ms. Copeland asked if the applicant had participated in the Park & Ride Program under the Big-Box Design Guidelines. Mr. Taylor said that the staff does not believe so, noting that the Commission's approval was done prior to the Park and Ride incentives being added to the Big-Box Design Guidelines. Ms. Copeland then asked if this request should be updated to include the Park & Ride Program. Mr. Taylor said that the Commission does have the option to discuss the program with regard to this request. He then said that the staff did not inform the Metropolitan Planning Organization (MPO) of this reapproval request. Ms. Copeland said that if this item was postponed for one-month, it would give additional time for the MPO staff to review the request for the Park & Ride Program. Mr. Taylor said that the Commission could consider that option; and, if needed, the staff could facilitate that request.

Mr. Owens asked if the Park & Ride incentive was not included in the Big-Box Design Guidelines. Mr. Taylor said that the Big-Box Design Guidelines had been amended after this development was originally approved in 2007 by the Commission.

Ms. Copeland said that she is not suggesting that the Park and Ride Program be mandatory; but as long as the applicant is updating their approval, then the Commission should also update the conditions for approval. She then said that the Park & Ride Program should be discussed before this development goes any further.

Representation – Bob Cornett, The Roberts Group, was present representing the applicant. He said that they are not updating the development; they are requesting a reapproval to have the time extended. He then said that they had complied with the original conditions and the plan has been certified. He noted that with the current economy, additional retail stores are not needed; and until the vacant Kroger store is leased, there is no economic reason to build a new gas station. He then said that he can not speak for his client with regard to the Park & Ride Program.

Mr. Cornett said that, to his knowledge, this request was to be on the Consent Agenda. He then said that he could not agree to the Park & Ride Program without consulting his clients; and, in his opinion, it was not fair to request that as a new program at this point.

Commission Comments – Mr. Owens said that items eligible for the Consent Agenda must have the Commission's approval within 3 years of the meeting date. Mr. Sallee said that the Commission's by-laws state that for reapproval or extensions, the Commission must have considered the request within a 3-year time frame. Mr. Cornett said that he was not aware of the 3-year time frame, only the 5-year time frame including permits.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Commission Questions – Ms. Beatty asked how past reapproval were updated with current regulations. Mr. Taylor said that the 36-month time frame was added to the by-laws because, over time, the applicable regulations do change. He then said that the Park & Ride Program is an incentive under the Big-Box Design Guidelines and is not otherwise a part of the zoning regulations and that they are not a requirement. Mr. Sallee added that the big-box store in this development had been built, and there are no amendments being proposed to this development that would effect the Big-Box Design Guidelines.

Ms. Roche-Phillips said that it would be an advantage for the Commission to continue this item to gather information about the Park & Ride Program because it could potentially save the applicant some parking spaces. Ms. Roche-Phillips said that she is not suggesting that Mr. Cornett agree to the Park & Ride Program, but rather explore the question, since it could reduce some of the parking requirements for this development. Mr. Cornett explained that most of this development, including the parking area, had been constructed. He said that, if the parking were reduced, there may not be any parking area for the 12,000 sq. ft. building, which would not be beneficial. He then said that, depending on what type of use goes into the 10,080 sq. ft. building, parking could be limited as well. He does not see the Park & Ride Programs being a benefit to this development, but he understands what the Commission is saying. Ms. Roche-Phillips said that she understood Mr. Cornett's concerns, but she believed it would be an advantage for this development.

Mr. Taylor directed the Commission's attention to the Big-Box Design Guidelines Item "h", which reads: "Locate the transit shelter to the approval of LexTran," and said that there are transit facilities in place on this development. He then said that there may not be a designated area for the Park & Ride Program, but LexTran could facilitate discussions if they wanted to have that program.

Mr. Cravens asked if, when one of three buildings was to be constructed, an amended development plan would be submitted. Mr. Taylor replied negatively, and explained that as long as the proposed buildings are within the footprint of the original approval, the applicant would not submit an amended request. He then said that if the applicant deviates from what was originally approved, then the applicant would submit an amended development plan. Mr. Cravens commented that the Commission may see this development again. Mr. Taylor noted that the change could also come in as a minor amendment.

Ms. Roche-Phillips said that the Commission could potentially have another opportunity to review this development in the future, noting that she has no problems with this request.

Mr. Owens said that the Park & Ride Program is a good idea and it could be beneficial, but the big-box element of this development has been met. He then said that the Park & Ride Program is an incentive and it is voluntary. He noted that discussions regarding the Park & Ride Program could still be done; but at this time, the Commission could move forward with this request.

Action - A motion was made by Ms. Copeland, seconded by Mr. Brewer and carried 10-0 (Blanton absent) to reapprove DP 2007-94: BEAUMONT FARM, UNIT 10 (B-6P AREA) (AMD.), subject to the conditions listed on today's agenda, including the review of the associated Staff Report on the compliance with the Big-Box Design Guidelines.

VI. COMMISSION ITEM (continued) – The Chair will announce that any item a Commission member would like to present will be heard at this time.

Mr. Penn informed the Planning Commission and the staff that James Mahan, former Commission member, was admitted to the Markey Cancer Center recently. He asked that everyone keep Mr. Mahan in their thoughts and prayer.

Mr. Owens informed the Commission members that Jim Duncan had been out of the office due to illness. He then said that after two-weeks, he is back and working on the Comprehensive Plan. Mr. Duncan should be joining the Commission at their May 17th Work Session.

VII. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present will be heard at this time.

A. UPCOMING WORK SESSION – Mr. Owens reminded the Commission members of the upcoming work session scheduled for May 17, 2012.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. NEXT MEETING DATES

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 17, 2012
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 24, 2012
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	May 30, 2012
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	May 31, 2012
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 7, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	June 7, 2012
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 14, 2012

X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:35 PM.

Mike Owens, Chair

Lynn Roche-Phillips, Secretary